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Chapter 1

The Way of Nature

In view of the present state of marvellous rate of progress, can one really believe that Islam can cater to the needs of the modern world? Today, when man, by the means of his power of reason, is conquering the planets and is able to journey far out into the depths of space, is it not time for us to discard such ancient dogmas and concentrate our vision and will on the pursuit of our magnificent victories, pursuing the modern sophisticated way of life?

Before answering these questions, I consider it essential to mention this point first: It is true that we human beings naturally prefer the new to the old. We always give priority to the new model of something over its older forms. But this generalisation cannot be applied to all situations and practices.

As we can never say that since the well-known formula 2 x 2 = 4, has been used by mankind for thousands of years, it has become obsolete and thus needs to be discarded; or, as we cannot say that the system of forming social life has become old and out-dated, it has to be cast away and a new style of individual living should be established; or, we cannot propose that the civil codes unnecessarily restrict and hamper individual freedom and have become ancient as well, and as these laws fetter the human being, and that too in an age when he is conquering the vastness of space by launching spacecraft into the orbits of different planets in order to discover the secrets of the universe, so new vistas should be opened for him and he should be liberated from the shackles of law and the clutches of those assigned to enforce it.

It would all seem to be ludicrous, since notions such as 'old' and 'new' make sense only when used in the context of variable, transitory objects which can lose their freshness and lustre under the destructive influence of time and change. Consequently, while we are engaged in a serious

discussion which is based upon a realistic approach, and concerned with the laws of nature and the system of creation (one of these issues is whether Islam can satisfy the human demands in view of present conditions), we should not give much significance to such rhetorical distinctions between old and new.

Such distinctions, of course, have their proper place and occasion, which is certainly not the context of this discussion.

The question as to whether or not Islam can administer the needs of humanity in the present circumstances is itself a strange one. Its incongruity becomes more apparent when it is put in the context of the real meaning of Islam on which the Qur'anic invitation is based; since Islam is the path which acquaints humanity with the system of creation of universe.

Islam provides such laws for mankind as are in conformity with human nature and are in complete harmony with the really natural instinctive human needs-though not such “needs” as are conceived by imagination and caprice. It is evident that the human nature is the same and will be the same as long as human beings exist, irrespective of place and time or their way of life. Nature has laid before them a path, which they may either accept or refuse to tread.

On this basis, the above-mentioned question may be put thus: if human beings act according to the path indicated by nature, is there any guarantee of their attaining the happiness and bliss as demanded by their nature?

Islam is the path of nature and, therefore, is the eternal and unchanging path for mankind to follow. Its unchangeable laws affirm man's legitimate, natural and physical desires, and guide him towards the ultimate abode of his happiness and bliss. The Qur'an says:

So set thy face to the religion, as a man of pure faith-God's nature upon which He originated mankind. There is no changing God's creation. That is the right religion … (30:30)

We know that there are different types of living organisms throughout the world of creation. Each one of them has a specified term of life and a specific course of development. Their well-being and happiness depend upon their capacity to resist and combat the harmful and destructive elements which confront them in their brief period of survival.

It means that living organisms can reach their goal and select the path of survival by utilising various resources incorporated within their structure without much trouble.

During its biological course of development, the wheat grain has to pass through definite stages to obtain its ultimate growth. Its constituent parts and biological mechanisms by reacting to specific environmental conditions and by absorbing certain specific elements in definite proportions essential for its growth and development, guide it towards its ultimate goal of maturity.

The wheat seedling never alters its particular natural mode of growth and development that it has adopted. It can never be that a wheat plant, after a certain stage of development, may suddenly alter its course to adopt that of an apple-tree and start sending out branches, leaves and blossoms. Neither does it suddenly alter its course to that of a sparrow and starts growing feathers and a beak and begins fluttering its wings for flight.

This is a general and universal law prevailing in every sphere of life. Human beings are also not exempt from it. In their natural course of life, human beings, also, have to pass through certain fixed and inherent stages to reach the goal of perfection and attain their summum bonum. Their constitution is so designed that with the help of the available and suitable means and resources, they can reach ultimate maturity.

Regarding this characteristic of general natural guidance, the Qur'an says:

Our Lord is He who gave everything its creation, then guided it. (20:50)

Describing the presence of guidance in mankind, it says:

By the soul, and That which shaped it and inspired it [with the capacity to distinguish between] lewdness and God-fearing, prosperous is he who purifies it, and failed has he who seduces it. (91:7-10)

It should be quite obvious that the real path of human life which leads human beings towards true happiness is actually that path which is pointed out by nature. It is meant for their real gain and success, and it corresponds with the laws of creation of man and the universe.

This path may or may not be according to the sentiments and emotional preferences of individuals; rather their feelings and urges themselves need to follow nature and fall into harmony with it. A human society, likewise, should be established on the firm foundations of realism and not on the weak and shaky grounds of false and fake ideals.

It is here that the difference between Islamic laws and other civil codes lies. Ordinary social laws are legislated according to the wishes of the majority of individuals in the society (i.e. 50 percent +1), whereas Islamic laws have been formulated according to the dictates of nature and instinct,

which represent the Divine Will. Hence, the Holy Qur'an reserves the right to legislate solely for God. It says:

Sovereignty solely belongs to God … (12:40)

Who is better in judgement than God, for those who are certain in belief? (5:50)

Whatever generally goes on in an ordinary human society is either according to the intentions of the majority of individuals, or according to the dictates of a powerful despot, regardless of whether they are in conformity with the principles of justice and the real interests of the community or not. But in a true Islamic society, authority belongs to truth and justice and individual interests are subordinated to it.

The other misunderstanding that needs clarification is the notion that Islam is not congenial to the social spirit of the modern-day human societies, which are enjoying every kind of freedom and prosperity and are not in a position to subject themselves to the kind, of restrictions that exist in Islam.

Of course, with the present state of prevalence of moral degeneration in all walks of human life, and all sorts of corrupt and unjust practices that are debasing human societies, endangering their very existence, we find very little affinity between the Islamic spirit and today's unfortunate, deviated humanity.

To be certain, while still retaining the status quo, we cannot hope that a partial application of Islam can effectively save humanity. It would be like expecting benefits of democracy from a dictatorial regime with a democratic label attached to its name.

But if we take into consideration the instinctive human nature and Islam-which is itself a manifestation of nature-we can hope to find a complete harmony and compatibility between the two. How is it possible that no such harmony should exist between the two?

Of course, as a result of prevailing perversions and distorted vision, which are the outcome of an extravagant attitude on the part of the recent generations, there has taken place a severance of ties between the two. However, the wisest way of overcoming these adverse conditions is to launch a war to combat them, so that the grounds may be prepared for a reunion.

We should not be disappointed if the people have deviated from the path of nature. We must be hopeful regarding human potentialities.

History bears witness as to how every new movement or regime has to confront the resistance offered by representatives of the old forces of the previous times. It is only after a prolonged tug-of-war and occasionally a bloody conflict that they can open a road in the society for themselves and obliterate the memory of the rival system from. minds of the people.

Democracy itself, which has been regarded as the most successful alternative by its followers and was established through popular support for the most part, has been established after bloody clashes. The French Revolution and other such revolutions were brought about in this manner.

The communist regimes, which according to the Marxists are the most “progressive” of human political systems and the “most magnificent” gift of history, were established through a bloodbath of millions of people. Russia, and afterwards many Asian, European and Latin American countries, present this type of picture.

Accordingly, the resentment initially exhibited in a society does not prove the unsoundness and instability of any proposed social system. Islam is alive by all means and it has the full capacity of being implemented in today's society.

Now, I shall go ahead to further elaborate this subject and analyse it.

Chapter 2

Islam and the Genuine Needs of Every Epoch

The significance and value of every scientific idea depend upon its practical value in life. The most primitive and simple idea like the drinking of water, and the eating of food, occupies an important place in human existence; that. is, not withstanding its simplicity it is as vital as life itself. Another idea that apparently seems to be very simple and trivial is the idea of the necessity of social and collective life; it has the same importance in human history as human civilisation itself.

It is this idea that co-ordinates, every second, millions of human acts with one another and produces every day billions of desirable and undesirable effects. Evidently, the question whether or not a religion like Islam can cater to all human needs in every age is of such paramount significance that nothing more important can possibly be conceived.

Almost every Muslim individual is acquainted with at least some of the Islamic laws. Like other religious intellectual material that Islam has produced, this conceptual inventory has been stored in the minds of its followers for century after century. If has been transferred from one generation to the next as a religious heritage. However. like other religious relics, this heritage has lain idle in the minds of individuals without being subject to proper use, inquiry and scrutiny.

If we Easterners try to recall the history of the times of our ancestors and forefathers, we shall see that for thousands of years the regimes that ruled us never gave us any freedom of thought, especially in scientific or social matters.

A ray of hope that shone for a while during the early era of Islam through the efforts of its Messenger and which brought tidings of a distant dawn, was lost in the centuries-long night of oppression by a series of egocentric tyrants. Again we were left in a state of slavery and bondage. We remained tortured and tormented in the infernal, deadly dungeons, repeating our age-

old obsequious utterances: 'Yes! Yes Sir! Yes your highness! Yes your royal majesty! “

Whoever was more clever was only able to guard and preserve the religious material in an intact condition storing it for some luckier generations to come. Moreover, the rulers of those times were not indifferent to encouraging such an attitude for preventing open and free discussion of issues in the society. Their only concern was that people should be so busy with their work that they would not leave their cocoons.

With the public submerged safely in their own personal errands, the administration of the community was the concern of the rulers and the self named guardians of the society. They were not alarmed at people's interest in the comparatively simple religious material. They only wanted to keep them from free and inquisitive discussions. They considered themselves as the community's active mind.

They had well realised that the most powerful source of strength in social life is the will power of human individuals. and this power was safely harnessed by the rulers by controlling their minds. As a result all their effort was concentrated on the conquest of the public's mind so that they may themselves become the active intellect of the community. These are the facts that anyone who turns to the historical chronicles of the past will uncover without much assiduous study.

Of late, the Western deluge of “freedom”, after satiating the Europeans, has now turned towards Eastern lands. Initially it sought admittance to our continent as a guest, then it became an authoritative master in our own house. At first it gave a war cry against dogmatism and intellectual repression.

The presence of this partisan of freedom seemed to provide a good opportunity for us to restore our lost dignity and to start a new life of intellectual brilliance and to undertake a belated synthesis of knowledge and action. But sadly, the same European freedom that delivered us from the clutches of the oppressors took their place to become our “active mind”.

We did not know what to do. When we came to our senses, we realised that times had silenced the lords of the olden days and dethroned from the seat of authority the commands of the autocratic sovereigns and aristocrats. We were asked to pay no more heed to what the broken idols spoke but instead to listen to and to imitate what the Europeans said and did.

One thousand years have passed since the soil of Iran embraced the last remains of Ibn Sina. His philosophic and medical books were presented in our libraries and his scientific views were on the tips of our tongues, though without any consequence.

Seven hundred years had passed since the mathematical works and the cultural heritage of Khwajah Nasir al-Din al-Tusi were the goal of our lives, though without any result. But following in the footsteps of the Europeans, we joined them in celebrating their one-thousandth and seven-hundredth anniversaries.

More than three centuries were past since the philosophical school of Mulla Sadra was followed in Iran and his philosophical ideas were the subject of study. On the other hand, many years had also passed since the Tehran University was established and had opened a faculty of philosophy.

But some years back when a conference was held there, one of the Orientalists made some remarks in appreciation of Mulla Sadra, this caused an unprecedented clamour in the university regarding his personality and philosophic thought.

These are a few examples which fully illustrate the state of affairs in our society and the nature of our intellectual temperament. This shows the degree of our intellectual bankruptcy and servility to others.

Such was the condition of the majority of our intellectuals. A few of them, who were successful in retaining their independence of thought and had preserved their intellectual heritage, became the victims of the malady of split-personality.

They were infatuated with the ideas of Western thought and at the same time remained loyal to their Eastern intellectual heritage. They strived to bring about a reconciliation between these two opposite poles and to create a state of matrimonial harmony between the unlikely pair.

One of our able writers tried to reconcile the Islamic tradition with the Western tradition of democracy in an article entitled “Islamic Democracy”. Another gentleman strove hard to extract the notion of a classless society from Islamic texts, under the title of “Islamic Communism”!

Isn't that strange? One should ask them: if the relevance and validity of Islam should conditionally depend upon its affinity to the “vital principles” of democracy or communism, when the same democracy and communism with their all pomp and pageantry have come to us on their own, what is the

necessity of taking such great pains in trying to produce a compromise between them and a handful of out-dated fourteen-centuries-old notions?

If Islam is an independent and living entity by itself, what is the need to compromise its natural grace with borrowed artificial adornments in order to invite customers?

During the post Second-World-War years, Western scholars have been enthusiastically discussing and studying various religions and publishing their findings. Imitating them, we also followed the same course and chose certain aspects of our holy religion as the subject of discussion and-debate: Are all religions true?

Are the 'heavenly' religions anything more than a series of attempts in social reform? Do these religions have any other aim except purification of the soul and correction of morals? Can religious rites and rituals exist forever in their respective societies? Do religions have any purpose other than the exercise of rites and rituals? Does Islam fulfil the needs of every epoch? etc.

Indeed, a careful scholar, before entering into any controversy, would first verify the validity of questions raised according to certain established scientific criteria and only afterwards he would express his opinion. But the Western thinkers consider religion to be simply a social phenomenon, a result of a series of physical factors, like society itself.

Those Western thinkers who were rather optimistic regarding religion-including Islam-say that it is the mental contrivance of a group of men of genius, who, under the effect of a purified spirit, a rich intellect and an indomitable will, have conceived certain moral laws for the purposes of reforming their societies. These laws have evolved with the gradual development of human societies.

They say that the empirical data, as well as historical evidence, provide sufficient proof of the fact that human societies gradually move towards perfection, and every day humanity takes a new step in the direction of civilised living. They cite the results of psychological, legal, sociological and even philosophical discussions, particularly the theory of dialectical materialism, to prove that since human societies do not remain in a static condition, in the same way their enforceable laws also cannot remain unalterable.

They argue that the laws that might have guaranteed the welfare of primitive human beings who ate of the fruits of the jungle and who dwelled

in caves, can never be sufficient for the purposes of sophisticated life of modern times. How can the laws that were formulated

when people used to fight with spears and clubs, suffice for a resourceful and cultured age like ours equipped with the most sophisticated nuclear bombs? Could laws belonging to an age when people used to travel on horseback and on mules be of any use to people accustomed to aircraft and nuclear submarines?

It means that the modern world neither accepts, nor should it be expected to accept, the laws and regulations belonging to the ancient times. Consequently, the laws legislated by societies of the past should be subjected to constant change with respect to the changing conditions of humanity. As a result of change in practical values, moral norms also need to be revised; since morality is no. more than a series of psychological habits that become stable due to repeated performance.

The simple life of two or three thousand years ago did not require the intricate political systems of today. Can the women of modern society lead a life of chastity similar to the veiled ladies of the past? Even the labourers and peasants and other toiling classes of today's world could not be expected to possess the patience and endurance of the toilers of past ages? The agitated revolutionary minds, living in an age of the conquest of space, could not be expected to be terrified by lunar and solar eclipses or black winds and made to resign and submit to the Will of God?

It means that human societies, in every age, desire law and morality to be according to the temper of that age.

Chapter 3

The Islamic Approach to Law

Islam, on the other hand, with a specific series of laws, claims to guarantee, to perfection, the satisfaction of the needs and happiness of human society. In fact, “Islam” is the name of such a method and system of regulations.

It is evident that such an approach and a system of such laws is called upon to modulate its approach with the needs of every age. One of the modulated instances of this system was the practice of the Holy Prophet of Islam (S) and the set of laws that he implemented in his time.

In other epochs, as well, the modulated application of Islam should also imply the best and purest approach to life that can effectively forward the interests of human society of that age. This clarifies the point that the answer to the question raised by a Western scholar about the capacity of Islam to cater to the changing needs of every epoch-in view of the fact that his question is based on a valid scientific basis-is positive. However, as explained, he views Islam as a fixed system of Divine doctrines, which, despite their permanence, claim to guarantee the satisfaction of the needs of every epoch.

In any case, we should examine whether or not the Holy Qur'an, which is the revealed Book of Islam, and the best interpreter of the ends of this Divine religion, interprets the meaning of 'prophethood' and 'religion' on the basis of social, psychological, philosophical and material grounds which call for a separate set of laws corresponding with the ethos of every age; or does it lay down a set of permanent unchangeable laws and fixed moral norms and obligations for mankind of all ages; and if the latter is in reality the Qur'anic viewpoint, how does it justify its claim to satisfy the needs of every epoch?

Does the Qur'an desire that human societies should gradually reach a fixed static condition, and that all the doors of progress should be closed to

human civilization? Does the Qur'an want all sorts of developmental and progressive human activities to be brought to a permanent halt? And how does it meet the challenge of a fluid Nature and an ever-changing system of the cosmos, of which man and his society are a part?

What is certain is that the Qur'an explicates the position of the revealed religion as originating from the hidden world ('alam al-ghayb). It links its message to the total system of creation and the perpetually changing universe. At the same time it explicitly states the fixity, unchangeableness and permanence of the constituents of religion.

The Qur'an interprets the merits, happiness or misfortune of an individual or a society in a way which differs from the outlook of a Western scholar. These issues, when examined from the eyes of the Qur'an take an appearance quite different from what they seem when perceived through the spectacles of materialistic discussions.

The Qur'an regards the Islamic law and the Islamic approach as a series of principles that guide the system of creation and in particular the human society with its continuously changing and evolving nature which is itself a part and parcel of the world of nature. In other words, the Qur'an considers Islam to be a series of principles that are in complete harmony with the laws of creation, and hence these laws are as unchangeable as nature itself.

These laws embody truth; they are not subservient to the desires and whims of any person, like the laws and statutes of countries with despotic and dictatorial regimes, nor like the laws of democratic countries which are subject to the wishes of the majority. Islamic laws have been legislated in harmony with the system of creation of the universe, and are wholly dependent upon the Will o the God of the universe.

Chapter 4

How Does Islam Satisfy the Demands of Every Epoch?

In the discussions about society this point has amply been stressed that it was on account of the necessities of life and due to an individual's inability to cope with its demands all alone, that the human being chose to lead a social existence. Similarly, we often hear in juridical discussions that a society can genuinely satisfy the vital needs of its individual members only when it formulates a set of laws and regulations that correspond with their needs, so that each member of society can obtain his genuine rights and benefit from the fruits of collective existence.

In the light of these two notions, the principal basis of social laws is satisfaction of the basic needs of human life, without which a human being cannot, even for a moment, continue its existence. It is this fulfilment of basic needs that directly results in the formation of a society and formulation of laws and regulations.

Evidently, a society in which there is no collective effort for the fulfilment of basic needs, and where there is no interrelationship of activities among members, such a group does not deserve to be called a 'society'. In the same way, laws and regulations whose existence and implementation has no effect on fulfilment of the social needs of the people, are not worthy to be called 'laws', that is, a set of regulations that safeguard vital social interests.

The presence of laws which more or less satisfy the needs of society and which are, on the whole, acceptable to its members, is necessary even for the most barbarous and backward societies. However, in primitive societies the laws and regulations are products of custom and tradition, having gradually emerged from the irregular collective behaviour of the past.

At times, in such societies, laws are imposed upon the people through the extravagant will of one or more powerful individuals, resulting in the

establishment of a well-defined base for the mainstream of social life acceptable to the majority. Even today we see such people in various corners of the world who conserve their customs, culture and traditions without losing the fabric of social life.

In an advanced society, if it is a religious one, the Divine Law prevails. If it is a secular society, the laws legislated through popular consent, exercised directly or indirectly, are implemented. No society exists, nor can exist, where the members are not bound to certain laws, obligations and duties.

Chapter 5

How to Determine These Needs?

It is obvious that the main reason responsible for the legislation of laws and regulations is to meet the social needs of human life. But the question arises: What are these needs? How should they be determined?

These requirements should be, of course, directly or indirectly, susceptible to determination by man, however sketchy and general that determination may be. By the way, we are also confronted with the question whether or not the human being can occasionally make errors in determining his duties and his means of attaining happiness. Are we to accept his estimations and judgements at their face-value?

The majority of people in the so-called progressive world of ours consider human will and wish as the genuine and sufficient basis for legislation of laws. But since it is impossible that all individuals belonging to a nation should think in a similar manner, the consensus of the majority (i.e. 50 percent +1) is, unavoidably, regarded as decisive. The opinions of the minority (i.e. 50 percent -1) are ignored out of necessity, and it is deprived of any freedom of action altogether.

It cannot, however, be denied that human resolution and will is directly related to conditions of life. A wealthy person who is provided with all necessities of life, cherishes a great number of fanciful desires that would never occur to the mind of a pauper. A hungry person who suffers from extreme hunger and who has lost his control, only longs for food; whether it is delicious or not, whether it belongs to him or others, does not matter to him.

But an affluent person may be indifferent even when the most delicious foods are laid out on the table before him. During the times of prosperity, human beings conceive of more fancies than during hard times.

In this way, the pattern of needs changes because of civil progress; while the previous needs of people are satisfied with the march of civilization new

needs are generated which replace the old ones. With this change in conditions, people outgrow certain laws and need new laws or demand amendment of the old ones. In this way, among the living nations of the world, new laws always replace worn-out laws.

As mentioned, it is the will and support of the majority of members of every nation which gives validity to the laws and stamps them with the seal of authority, even though the legislation may not be in the interest of the society.

For example, a Frenchman by virtue of his French origin, is a member of the French society and whose will and opinion is honoured if it coincides with that of the majority. The French laws are designed to fashion him as a twentieth-century Frenchman; not like a contemporary Englishman nor as a tenth-century Frenchman. Nevertheless, are there not any constant factors in the varying patterns of human needs which change with the march of civilization?

Aren't there any common factors among human societies that have existed in various epochs of history? Has the basic substratum of humanness, to which a series of natural needs of life are related, undergone an irreversible, though gradual, change? Have our human ancestors of distant past been physiologically different from us? Did incidents such as war and blood-shed, or times of peace and harmony, have any significance other than what they mean to us today?

Did the effect of wine and nature of intoxication in the past have a quality different from what it is today? Did the musical compositions of the past impart different types of pleasure than they give today? In short, was the external and internal structure of the human beings of the past different from that of present-day mankind? Obviously, the answers to all these questions are in the negative.

We cannot say that humanity has gradually metamorphosed into something other than what it was in the past. We, also, cannot say that the essence of humanness-which is the common factor between the white race and the black, between the wise as well as the fools, between the young and the old, between the people living in the tropics and those living in the polar zones, and between the peoples of the past and the present has changed with respect to the pattern of common needs.

There are, definitely, certain needs which require a series of fixed and permanent rules and regulations that have nothing to do with the rules that

are subject to alteration and change. There is no nation in the world which would not choose to wage a war whenever its existence is decisively threatened by an enemy, and when the enemy cannot be repelled except through blood-shed, would not go for it.

There is no nation, for example, which would prohibit people from eating food or ban sexual association altogether. Many such examples can be given, and they all prove the necessity for unchangeable laws which are independent of laws subject to change. The above statement throws light on certain issues:

1. The main reason responsible for emergence of society, social laws and legislation, are the needs of life.

2. All nations of the world, even the barbarous ones, have their own laws and regulations.

3. The means of determining the needs of life, from the modern point of view, is through the will of the majority of the members of society.

4. The will of the majority is not always in accordance with reality and truth.

5. There is a class of laws that are subject to alteration with the passage of time; since they are related to specific conditions and circumstances. But there is another class of laws that are related to mankind's ' human essence", which is a common factor among all human beings of all times, in all parts of the world and in all circumstances and environments. These laws are unchangeable, enduring and fixed.

Now that these issues have been clarified, let us see what the Islamic viewpoint is:

Chapter 6

What is the Islamic Point of View?

Islam is a system of universal laws which haven't been formulated for any specific group of people or for a specific period of time. In its teachings, its focus is on the ' natural man”; that is. its attention is centred upon the natural structure of the human being and the conditions of a common individual, whether he is poor or rich, strong or weak, black or white, an Arab or a non-Arab, male or female, old or young, wise or foolish. the “natural man”, is a human being who carries the primordial, God-given nature along with a pure consciousness and a will untainted by illusions or deviations. This is what we call a 'natural man”. It cannot be denied that the distinguishing characteristic which discerns the human being from other animals, lies in his intellect; whereas other animals do not enjoy this gift of God.

All activities of all living organisms, except the human being, are subservient to the dictates of their instincts. These animal instincts guide and motivate them towards satisfaction of their vital needs.

Human beings are the only animals who, besides the drives motivated by diverse instincts, feelings and emotions- like love and hatred, friendship and enmity, hope and depression- are equipped with the faculty of judgement, which can decide between conflicting emotions and forces and select a right course of action despite obstinate opposition by emotion and passion.

Sometimes this faculty decides against an action despite the pressure of instinct and emotion; at other times it recommends an action despite unwillingness of instinct and passion. Yet at other times, when the overall interests of the human being coincide with the demands of instinct and emotion, it ratifies their demand.

Chapter 7

The Basis of Islamic Outlook

Since the education and training of every species of beings should be based on cultivation and development of its distinguishing characteristics, Islam has based its teachings on the firm basis of intellectual faculty of man, not on the unstable foundations of feelings and passions.

This is the basis of the Islamic invitation composed of certain sublime beliefs, higher morals and practical laws, whose truth and veracity is confirmed by the human being's primordial nature, in con junction with its God-given intellect free of illusions and deviations.

Chapter 8

The “Natural Man”

Man, in the state of pure nature, perceives through his God-given primordial nature that the vast realm of the universe, from the minutest particle to the greatest galaxies with their wonderful system of precise laws, points to its origin from the One God. He clearly perceives that all things have come into existence by His act of creation; their functioning, their working - everything that followed their creation - are of His making.

The “natural man' perceives that this world of existence, with all its scattered fragments, is itself a huge unified whole in which all parts are interrelated with one another. Everything is linked with other things, and a perfect harmony and unity prevails amongst them.

The human world is just an insignificant fraction of the great cosmos, an insignificant drop in the vast and infinite sea; but it is a phenomenon in whose emergence the whole of universe had a share. It is a product of the whole universe, which is a creation of the Divine Will.

Since the human being is the offspring of the world of creation and he lives and flourishes under its leadership and guidance, it is the system of the creation which, by employing myriad of means that are outside human reach and power, has created the human being in its present form, and has provided it with awareness, perception, faculties of reason, intellectual and emotional capabilities and other external and internal features. Through these means it has guided his consciousness and will towards the goal of his real felicity, his summum bonum.

The human being is the only creature which can distinguish between good and evil, between loss and profit, through its consciousness and free will. He is, therefore, a free being. However, it should not be forgotten that the world of creation is the same as the Will of God of the universe, Who has carved out all those internal and external patterns in man's being, making him a free being.

The natural man, with his thought and intellect, unmistakably perceives that his felicity, happiness and his true goal in life is the same as the destination determined for him by the world of creation which has created and fostered him. It is the world of creation that directs the human being towards the ultimate goal and purpose which has been determined and ordained for him by the One God, Who has originated all being and existence.

On this basis, the "natural" human being would make the judgement that the only road to his felicity in life lies in aligning his own being with the system of creation, considering himself to be an inseparable part of it. His judgement would be that he can neither afford to neglect his own situation in the perspective of existence, nor can he afford to overlook the duties assigned to him in the book of creation.

The essence of the innumerable duties laid down for him in the book of creation is that the human being should never humble himself and prostrate himself before anything other than the One God, and that all his acts and deeds motivated by his natural emotions and instincts must be performed under the surveillance of reason and on condition of its approval.

Chapter 9

Fixed and Variable Laws

Laws are divisible into two distinct kinds:

1. Those laws and regulations that protect vital human interests (taking into consideration the fact that people lead a collective existence, regardless of its specific mode in every region and period).

This class of laws pertains, for example, to a section of beliefs and principles which concretise human devotion and humility towards the Creator (wherein there is no possibility of change and alteration), and those general laws pertaining to the general aspects of human life, such as food, housing, marriage, defence etc., which are a permanent feature of man's social existence.

2. Those laws and regulations which have a temporal, regional or some other special aspect and change their form with variation in modes of living. This class of laws are subject to variation in

accordance with gradual cultural advancements and changes in the social scene, and need revision with abolition of old customs and methods and emergence of new ones. For example, in the days when people used to travel on foot or on horse-back from one point to another, very simple laws were sufficient for the purpose of traffic control. But today with progress in the means of transportation, we are in need of a variety of complex laws for control of marine, land and air traffic.

The primitive man, who had a very simple way of life and only handled simple and primary raw materials, needed simple laws to fulfil his elementary needs of life, like food, clothing and shelter, although he spent most of his waking hours in tedious labour.

In the modern world, where life is as fast as electricity, tremendous diversity of jobs and professions has emerged due to the variety of work. This division of work into thousands of professions has resulted in

legislation of thousands of regulations, to which several more are added every day.

Islam, which focuses its educative attention on the “natural” human being and which, through its invitation, leads human society towards piety, virtue and purity of belief, action and purpose, bases its programme on this unpolluted purity of the intellect of the “natural” human being. Consequently, it has divided human laws and regulations into two classes: the first class of laws that are fixed, being based on the primordial nature of man and the characteristics peculiar to his species. This class of laws is named “Islamic Shari'ah”. They guide humanity towards the goal of its highest felicity:

So set thy face with sincerity to the Religion-God's nature upon which He originated mankind. There is no changing God's creation. That is the right religion … (30:30)

Secondly, it should be noted that determination of the second class of laws, which are alterable and can be modulated according to the changing conditions of place and time, has been assigned to the institution of al-wilayahal-'ammah (general guardianship), and are subject to the opinion of the Prophet of Islam (S), his successors (A), and those appointed by him.

These laws and regulations are formulated by al-wilayah, in the light of the permanent religious laws, in accordance with spatial and temporal requirements, and counted as part of the Divine law, the Shari'ah, and are not considered a part of “al-Din”:

O believers, obey God, and obey the Messenger, and those in authority among you. (4:59)

This is, in brief, the reply that Islam gives in regard to the question of satisfaction of the real needs of every age. This problem needs a more elaborate explanation and a deeper inquiry. This we shall take up in the next section.

10

Chapter

Constant and Variable Laws in Islam

In the previous section we came to know that Islam has divided its laws into two groups: the fixed and the variable laws.

The fixed laws are such as have been formulated with a view to human nature, i.e. the universal human nature, which is common to civilised or uncivilised, white or black, sturdy or weak, persons of every region, and every age.

Since all human beings are created with the same human structure, with similar types of internal and external faculties and organs, whenever two or more human beings come in contact with one another and try to co-operate with one another to form a companionship to be distinguished as a social entity, and since they inevitably face the same kinds of problems when they try to solve them with their joint efforts, this commonness of various factors in their makeup and needs necessitates a series of uniform regulations applicable to all individuals in the group.

The faculties of intellectual comprehension are of the same kind in all human beings. Their rational judgements, as long as illusions and superstitions do not intervene in their reasoning, are also similar. Their mental and critical faculties need to be satisfied through a similar kind of testimony.

Similarly, various feelings, like love and hatred, hope and fear, needs for food, clothes, shelter and sexual association, exist among all human individuals and need to be gratified in a similar manner for every individual.

On account of this common human nature, it cannot be said that the satisfaction of hunger is permissible for one person and prohibited ?or another. Nor it may be said, while one person must submit to the judgements of his reason, another should completely ignore the dictates of this conscience.

Moreover, it can't be said that human nature, despite its age-old association with emotions, faculties and consciousness peculiar to it, should dissociate for a period with its consciousness or totally negate it for all time. Can one suggest that mankind should lead collective life in one period and adopt individual living at; other times, or that one should defend himself at one time but surrender unconditionally to his enemies at other times, or that one should engage in work and activity at some times and choose a life of idleness and sloth at other times?

This makes it obvious that human society, by nature, requires a series of fixed and uniform laws.

Through its religious message, Islam has endeavoured to convey nothing but this point. It says that nothing except a series of such laws and regulations as are in conformity with the general system of creation and the particular makeup of mankind, can fulfil the vital needs of human existence.

It asks man to turn to his God-given conscience and consciousness, to prevent every kind of sensuality, caprice, impropriety and waywardness from influencing his judgements, and follow whatever has been determined to be right and truthful. We should neither label the following of a series of truths as "imitation", nor should we imitate our ancestors blindly in the name of "national pride" or "age-old national customs and traditions".

We should neither label godliness and realisation of truth as "conservatism," nor surrender ourselves to a group of sensualists in power, becoming the instrument of their whims, and, as a result, sell ourselves into the worship of hundreds of man-made "gods". "Islam" (lit. submission) is the name of this religion, basically because it invites man to the sole worship of the One Creator of the universe and calls for his submission to the truth.

This invitation, in its elaborate form, consists of a series of beliefs, morals and laws, put forth as fixed obligatory duties before mankind.

It may be pointed out that the elements of all the three aspects of religion-that is belief, morals and laws-are perfectly interrelated with one another as well as with the great system of creation. However, an elaborate discussion of these wonderful interrelationships and the perfect harmony, coherence and unity between various aspects of Islamic teachings is outside the scope of our present discussion. Here our main aim is to prove that Islam possesses a series of fixed laws.

11

Chapter

Alterable Laws in Islam

Just as human beings require a series of fixed and constant laws for the purpose of regulating their permanent and homogeneous natural needs, in the same way they also require a number of changeable and variable laws without which human societies cannot carry on their stable existence. Evidently, while the “natural “ life of all human beings is almost the same because of their permanent and homogeneous structure, their temporal and spatial requirements are constantly subject to evolutionary and revolutionary changes.

As the conditions and circumstances of human societies gradually change, they transform themselves in order to adjust to changing conditions, thus giving rise to the necessity for bringing about certain changes in prevailing laws. It is in the context of such laws and regulations that Islam recognises the necessity of a principle.

On account of this, the guardian of the Law (the wali) has been authorised to make necessary changes in various periods and for people of different regions, when he considers it to be necessary. This can be done without subjecting the permanent laws to change, while satisfying the demands of human society.

Chapter 12

Clarification of this Viewpoint

In the same manner as a member of an Islamic society is free to spend his income in whatever way he likes (of course, within the limits of the Law and in accordance with the criteria of God-fearing and piety; i.e. he is free to make use of his property in any manner he chooses, to expand or restrict, to increase or reduce the level and scope of his lifestyle, to defend and recover his rights and property or to waive or relinquish them if he chooses, to adopt any profession and work he chooses and the hours and frequency of such work and activity), so also the wali of Muslims, in the position of the caretaker of the affairs of Muslims, whose authority is sanctioned by Islam, by virtue of his wilayah over a region, presides over their social affairs; he represents the social will and consciousness, and is free to exercise his discretion in social affairs, like an individual in affairs of his own life.

He is authorised, in the light of fixed religious laws and with due observance of taqwa (God-fearing), to legislate laws in such matters as related to roadways, transport, housing, commerce etc. He can resolve on a war of defence, and, when necessary, order the mobilisation of the army; or, if he decides that armed defence is not in the interests of the Muslim society, order for conclusion of hostilities through negotiation, settlement and conclusion of suitable treaties.

He can, for example, implement a programme for cultural development related to religious or other affairs, and launch large-scale operations; or, if he deems fit, withdraw certain programmes in some fields and advance others in their stead.

In short, all those new regulations that can be beneficial in the progress of the social life of a society and are to the interest of Islam and the Muslim community, come under the authority of the wali al'amr. There is no restriction whatsoever in their legislation and execution. However, although

such laws are compulsorily enforceable, and obedience to the wali al-'amr is obligatory, at the same time, these laws are not considered a part of the Shari'ah, or Divine Law.

The juristic bases of such laws are the demands of conditions and circumstances, which call for their formulation. Accordingly, as soon as the grounds for their legislation disappear, their validity also ceases. In such a case, it becomes the duty of the present wali al-'amr to proclaim among the people the abolition of the old law and enforcement of a new valid law.

But the Divine commands that constitute the Shari'ah are permanent and everlasting; not even the wali al-'amr has any authority to bring about any change in them in the name of appearance of a necessity, or abrogate them in name of its disappearance.

13

Chapter

Clarification of Certain Doubts

This brief explanation regarding the permanent and the alterable laws in Islam is sufficient to prove the baselessness of any charges against it.

Some say that the magnitude of the present social life cannot in anyway be compared with the life of fourteen centuries ago. The laws and regulations dealing with today's system of traffic and transportation alone are more numerous and of a wider range than the total number of laws prevalent during the days of the Prophet (S).

Many of the laws that exist today were not necessary to be legislated then. This is the reason why the Islamic Shari'ah which does not contain such regulations, has become irrelevant for the present-day world.

These gentlemen, of course, do not possess sufficient information regarding the Islamic Law and are entirely ignorant of variable laws sanctioned by Islam. They imagine that Islam, being a chain of fixed and static laws, tries to administer an ever-changing and developing world by their means. In other words, Islam, armed with an ancient sword has risen to fight the undefeatable system of creation; it desires to harness inevitable changes in human culture and to stop the march of time!

Others have said that inevitable social evolution and change require an alteration and gradual change even in 'fixed' laws; therefore, the fixed laws of Islam, if their utility and strength be admitted, were good for implementation only during the times of the Prophet (S), not in all ages.

These gentlemen have not attentively pursued their legal studies. They have failed to realise that in all civil codes prevalent in the world, there is always certain material which is not subject to change. It cannot be denied that the laws and regulations in the past were different from what they are today, and will, in general, differ from the laws of future, too.

Nevertheless, there will remain certain common aspects in all law codes that shall never become obsolete and outmoded. In any case, as I have

already mentioned in the previous part of our discussion, the process of legislation in Islam, whether it is derived from Divine Revelation-as in the case of fixed laws-or based on counsel (shura) and al-wilayah-as in the case of changeable laws-is exclusively based on reason and rationality, not on the emotional inclinations and irrational prejudices of the majority.

However, in spite of it, the Islamic approach to law-giving cannot be compared with the mode of government in social regimes; Islam possesses a set of permanent laws, the Divine Shari'ah, whose alteration is beyond the powers of the guardians of the Muslim community (awliya' al-umur).

The general Law of the Shari'ah is obligatory under all conditions and circumstances; only the particular laws are alterable, on account of the necessity to suit the changing and evolving social conditions and to guarantee the fulfilment of changing social needs

Most systems of government have a law called “the constitution;” neither the government, nor the senate, nor the parliament, is authorised to bring about any change and alteration in it. There are other laws that are legislated either by the parliament or legislative council or are a product of deliberations and decisions of cabinet ministers.

Only the latter class of laws, on account of their specific, particular applicability, is subject to change and alteration in accordance with changes occurring in a society or a country. As it cannot be expected from the constitution of a country to define, for example, every detail of the traffic rules or make amendments and changes in them every month or every year according to changing requirements, so also the Divine Shari'ah, which occupies the sanctified position of a constitution, should not be expected to contain any amendable elaborate codes.

Just as one does not expect the constitution of a country to put all its articles at the disposal of the parliament or government to make changes in them-even those articles which stress the independence of a country and its basic system of government-so also one should not expect that the laws of the Divine Shari'ah, which has the same significance as a constitutional law, be subject to alteration and change.

Thus the first criticism that Islamic laws are imperfect and are based upon such principles that are not relevant today, is proved to be baseless. The second charge, also, according to which laws should be alterable and that Islamic laws are static and fixed, has been refuted.

In this connection, there is another question which arises, and which is a corollary to the second objection: It is true that among the standing laws of a progressive society there is certain material which cannot be abolished *in toto*, but do the laws of the Islamic Shari'ah guarantee the felicity of human society during all ages and at all times?

Can the modern civilization continue its unabated march through such Islamic practices as salat, sawm, hajj and zakat? Can such Islamic laws as those related to slavery, marriage, interest on debt, and other laws, hope to survive without modifications in the present-day world? These questions and others like them need a series of elaborate discussions which call for another time and place.